

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK LEE MILLER

Petitioner,

v.

JEFFREY A. UTTECHT,

Respondent.

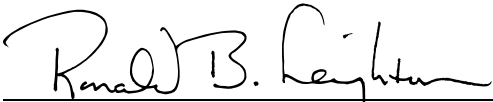
CASE NO. 3:15-CV-05928-RBL-DWC

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Respondent's Motion to Dismiss [Dkt. #15] is GRANTED.
- (3) Petitioner's federal habeas Petition is dismissed with prejudice as moot.
- (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. David W. Christel.

**DATED** this 23<sup>rd</sup> day of May, 2016

  
Ronald B. Leighton  
United States District Judge